

Appl. No. 10/030,313
Amendment dated November 24, 2004
Reply to Office Action of June 16, 2004

Remarks/Arguments:

According to the Office Action, mailed June 16, 2004 (hereinafter, "Office Action"), claims 1 to 29 are currently pending and under examination.

In this Amendment, claims 8 to 28 were cancelled, without prejudice or disclaimer, in order to further Applicants' business interests and the prosecution of the present application. Claims 8 to 28 were not canceled in acquiescence to any outstanding rejections or objections. Applicant reserves the right to prosecute any canceled or amended subject matter in a later application. The amendments and remarks submitted herein are intended to be fully responsive to the outstanding Office Action, to advance the prosecution of the present invention, and to place the application in condition for allowance.

In the Office Action, the Examiner required Applicant to elect a single invention to which the claims must be restricted. The Examiner alleged that claims 1-29 are directed to two inventions:

Group I, claims 1-7 and 29 (only as its depends from claim 1), drawn to an immunogenic composition comprising at least four different antigens, comprising at least one antigen from *H. influenzae* and at least one antigen from *M. catarrhalis* in which at least three are adhesins.

Group II, claims 8-27 and 29 (only as it depends from claim 8), drawn to an immunogenic composition comprising an analog of Hin47, and HMW and an Hia, and an outer membrane protein of *M. catarrhalis*.

Petition for Extension of Time under 37 CFR 1.136(a).

A response to the Office Action was due on or before July 16, 2004. Applicants submit herewith a Petition for Extension of Time under 37 CFR 1.136(a) and related fee (\$2,080.00) to extend the period for response for an additional five months, or on or before December 16, 2004. As this response is filed on November 24, 2004, it is timely filed.

Election/Restrictions.

Applicants elect Group 1, claims 1-7 and 29 (only as its depends from claim 1), for prosecution.

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Applicants respectfully point out that the Office Action refers to "Group II, claims 8-27 and 29 (only as it depends from claim 8)", which Applicant believes should have read: "Group II, claim 8-28 and 29 (only as it depends from claim 8)".

Amendments to the Claims.

In view of the above-made election, Applicants canceled claims 8 to 28 and amended claim 29 to depend only on claim 1.

Applicant respectfully requests consideration and entry of this paper. Applicant also requests reconsideration of this application, as amended, and issuance of a timely Notice of Allowance in this case. Should the Examiner have any questions concerning this application, she is invited to contact the undersigned at (570) 839-5537. If necessary, please charge any additional fees required or credit any fees overpaid to Deposit Account No. 50-0244.

Respectfully submitted,

Date: November 24, 2004

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